

### Remarks

The above-referenced application has been reviewed in light of the Examiner's Office Action dated December 12, 2003. Claims 1, 10, 17 and 33 have been amended, and new Claims 36-39 have been presented. No new matter has been added. Accordingly, Claims 1-39 are currently pending in this application. The Examiner's indication of allowable subject matter is gratefully acknowledged. The Examiner's reconsideration of the rejections in view of the above amendments and the following remarks is respectfully requested.

Claims 1-35 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Independent Claims 1, 10, 17 and 33 have been amended. The amended independent Claims comply with the requirements of 35 U.S.C. §112, second paragraph. All remaining Claims depend from one of the Claims 1, 10, 17 and 33, and likewise comply with the requirements of 35 U.S.C. §112, second paragraph. The Examiner's indication of allowable subject matter for Claims 17-32 is gratefully acknowledged. Claims 18-32 depend from Claim 17, which has been amended to overcome the 35 U.S.C. §112, second paragraph rejection. Accordingly, reconsideration of this rejection is respectfully requested.

Claims 1-16 and 33-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,809,247 to Richardson et al. ("the '247 reference"). Applicants' traverse and respectfully submit that amended Claims 1-16 and 33-35 are not rendered obvious by the cited reference for at least the reasons set forth below.

First, at least some elements of the amended Claims are neither disclosed nor suggested by the Richardson et al. reference. Second, even if there is some suggestion of some elements of the amended Claims in this reference, the reference fails to provide motivation for one skilled in the art to combine these elements, as set forth in the instant Claims. Third, even if one skilled in the art were motivated to combine these elements, one would not arrive at the presently claimed invention.

Some elements of the amended Claims are neither disclosed nor suggested by the Richardson reference. Claims 1, 10 and 33 have been amended to more accurately recite the breadth of the features for which Applicants seek protection. Support for this amendment may be found in the Specification as originally filed at, for example, page 8, lines 16-19, and page 9, lines 3-16.

The Examiner has indicated that Claims 1-16 and 33-35 are rendered obvious by the '247 patent to Richardson et al. It is respectfully submitted that Richardson's disclosure does not describe any authoring or recording system, as taught by Applicants' present disclosure, but merely reveals a playback system. However, Applicants' present disclosure describes, and each of Applicants' pending independent Claims 1, 10, 17 and 33 recites, an authoring system or step of recording.

Richardson uses a tour descriptor in what is called a 'stop vector'. This stop vector tells the client to fetch one page from a web site and load it into the browser. After the loading is done, any media component attached to this page is played back, and then the client moves on to the next page in the stop vector and the process continues. Thus, the concept of using dynamic annotation as defined in the present disclosure is neither taught nor suggested by Richardson et al. (see, e.g., Applicants' pending Application at p. 1, l. 8-23; p. 2, l. 6-11 and l. 18-20; and p. 5, l. 25 to p. 6, l. 9).

On the issue of 'synchronized playback', there is a distinct difference between Richardson's teaching and that of Applicants' present disclosure. According to Richardson et al., a stop vector specifies that a tour should go to a particular web site, and once that web site is loaded, a particular media component (audio/video or animation) should be rendered. This is what Richardson means by synchronization.

In contrast, synchronization as defined according to Applicants' present disclosure comprises much more. The present disclosure does teach that a web

site should be loaded, and once loaded, media rendering should begin. In significant addition, the media rendering itself involves synchronization, where the media includes dynamic annotations. Thus, for example, graphics rendering is synchronized with audio playback in embodiments of the present disclosure, which each use dynamic annotations.

Applicants' present disclosure further teaches how to record dynamic annotations so as to facilitate synchronized playback. As discussed, Richardson fails to teach how even to record a tour descriptor or a stop vector. Accordingly, the elements of an authoring or recording system, or the steps of recording, one of which is recited in each of Applicants' pending independent Claims 1, 10, 17 and 33, render said Claims novel and non-obvious over the teachings of the '247 patent to Richardson et al.

The Examiner has suggested that Claims 2-9, 11-16, and 34-35 are also rendered obvious by Richardson et al. In addition to depending from at least one of the amended independent Claims, these Claims generally deal with the capture and playback of navigational events.

In Richardson's specification, capturing and playing back user actions means only those actions that a user makes on the graphical user interface of the client. There, the client is an applet with VCR-like controls. User actions include the clicking of various buttons on this applet GUI. For example, clicking 'stop' would stop the current tour; clicking the 'next' button would go to the next page, etc.

In Applicants' present disclosure, navigational events are defined as user actions on the browser that include mouse click, mouse movements, hyperlink following, keyboard events and the like. A fundamental and novel feature of the present invention is that these navigational events are captured directly from the browser or hypermedia viewer during the recording process, and played back during the playback process. This capability is far more sophisticated than anything that Richardson disclosed or contemplated regarding capturing and

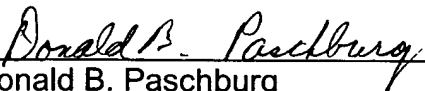
playing back of navigational events.

Even if there is some suggestion of some elements of the amended Claims in the Richardson reference, the reference fails to provide motivation for one skilled in the art to combine these elements, as set forth in the instant Claims. Although it is arguably not suggested by the Richardson reference how an authoring system or step of recording might be implemented, nowhere does Richardson even contemplate the possibility of using dynamic annotations as taught by Applicants' present invention. In addition, Applicants' present disclosure defines the media rendering itself to involve synchronization. In contrast, Richardson's idea of 'synchronization' does not contemplate synchronization of media rendering.

Accordingly, in Applicants' amended independent Claims 1, 10 and 33, and all Claims depending therefrom, at least one of the claimed elements of "an authoring system for recording dynamic annotations on any of a plurality of hypermedia documents for subsequent synchronized playback" as recited in Claims 1 and 10, and "recording dynamic annotations on any of a plurality of hypermedia documents for subsequent synchronized playback" as recited in Claim 33, adequately distinguishes Applicants' claimed subject matter from that of the '247 reference, and renders said Claims novel and non-obvious over the references of record in this case.

Therefore, it is respectfully submitted that amended independent Claims 1, 10, 17 and 33 are in condition for allowance for at least the reasons stated above. Since the dependent Claims 2-9, 11-16, 18-32 and 34-39 depend from the above Claims and necessarily include each of the elements and limitations thereof, it is respectfully submitted that these Claims are also in condition for allowance for at least the reasons stated, and for reciting additional patentable subject matter. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case is earnestly solicited.

Respectfully submitted,

  
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